

REMARKS

In response to the Office Action mailed December 8, 2010, Applicant respectfully requests reconsideration. To further the prosecution of this application, amendments have been made in the claims, and each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1-7 were previously pending in this application. Claims 1, 6 and 7 are amended. No claims are added or canceled. As a result, claims 1-7 remain pending for examination, with claims 1, 6 and 7 being independent. No new matter has been added.

Claim Objections

Claims 1, 6 and 7 are objected to for purported informalities. Specifically, the Office Action contends that the comma in the phrase “static, predetermined level” recited by claims 1, 6 and 7 alters the scope of these claims in a manner believed to be unintended by Applicant.

Although the Office Action is not explicit as to why insertion of a comma is believed to change the scope of each of claims 1, 6 and 7, its insertion in the last response was intentional, as it is intended to convey that the recited level is both predetermined and static. Therefore, no correction is needed.

In view of the foregoing, withdrawal of the objection to each of claims 1, 6 and 7 is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Each of independent claims 1, 6 and 7 stands rejected under 35 U.S.C. §102(b) as purportedly being anticipated by Japanese Patent Application Serial No. 406083296 to Aoyanagi (“Aoyanagi”). As presented herein, each of independent claims 1, 6 and 7 patentably distinguishes over Aoyanagi.

A. Rejection of Independent Claim 1

Amended claim 1 recites an information-providing apparatus comprising, *inter alia*, vibration detecting means for detecting vibration produced on an image display means mounted on a mobile object, determining whether the detected vibration is not smaller than a static, predetermined level, said predetermined level being defined prior to said vibration being detected, and sending a detection output signal when said vibration is determined to be not smaller than said predetermined level. Said predetermined level is greater than an absence of vibration. An operation control means is for modifying a display mode of said information, from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined level produced on said image display means sustains over the predetermined duration.

In Applicants' previous response (i.e., filed November 4, 2010), it was pointed out that Aoyanagi does not disclose or suggest vibration detecting means for detecting vibration of not smaller than a static, predetermined level, produced on an image display means, as recited by formerly pending claim 1. Specifically, it was pointed out that in the passage of Aoyanagi cited by the Office Action as purportedly disclosing detecting vibration of not smaller than a predetermined level (i.e. ¶[0017]), Aoyanagi discloses distinguishing vibration experienced by a vehicle in which an image display device travels from vibration experienced by the display device itself (¶[0017]). In this respect, Aoyanagi discloses subtracting the vibration experienced by the vehicle from that which is experienced by the display device, since the operator of the vehicle is likely to be experiencing the same vibration as the vehicle (¶[0017]). Since the vehicle vibration is subtracted from the image display device vibration, the previous Office Action contended that the image display device vibration is that which is at "not smaller than a predetermined level," meaning that the vehicle vibration is that which the previous Office Action considered to be at the "predetermined level." It was pointed out that the vehicle vibration detected by the Aoyanagi system is not at a level which is predetermined, as vehicle vibration is caused by forces applied to the vehicle by the natural environment in which it operates, which

are inherently unpredictable, so that the vibration they case is not at a level which can be predetermined.

In the "Response to Arguments" section, the Office Action contends that the vehicle vibration detected by the Aoyanagi system is "predetermined" in the sense that it is detected by a sensor and provided to a processing portion for use in computation, so that it is "predetermined" at the time the computation is performed. This assertion is traversed, for several reasons.

First, the Office Action ignores the limitation added to claim 1 in the last response which requires that the level of vibration be not only predetermined, but also static. The Office Action vitiates this newly added limitation from claim 1, and does not even attempt to demonstrate how Aoyanagi discloses a static, predetermined level of vibration. For at least this reason the rejection is improper and should be withdrawn.

Further, even if the vehicle vibration disclosed by Aoyanagi could properly be considered "predetermined" (which Applicant does not concede), it is clearly not static, for the reasons discussed above. Specifically, vehicle vibration is caused by forces, imposed on the vehicle by its environment, which are constantly changing, and therefore are far from static. The rejection of claim 1 is therefore improper for this reason as well.

Notwithstanding the foregoing, to advance prosecution, claim 1 is amended to recite a static, predetermined level of vibration that is defined prior to a vibration being detected. Even if one assumes for argument's sake that the vehicle vibration detected by Aoyanagi could be considered both static and predetermined (and it cannot, for the reasons discussed above), it is clearly not defined prior to a vibration being detected, as amended claim 1 requires. Aoyanagi says nothing about any order in which vehicle vibration and device vibration are detected, and so Aoyanagi necessarily does not disclose or suggest a static, predetermined level of vibration that is defined prior to a vibration being detected, as claim 1 recites. Amended claim 1 therefore patently distinguishes over Aoyanagi.

In view of the foregoing, the rejection of claim 1 under 35 U.S.C. §102(b) as purportedly being anticipated by Aoyanagi should be withdrawn.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

B. Rejection of Independent Claim 6

Claim 6 recites a method of providing information allowing image display of information which assists travel of a mobile object. The method comprises, *inter alia*, defining a static, predetermined vibration level that is greater than an absence of vibration; subsequent to the defining, detecting vibration produced on said image display section; determining whether said detected vibration is not smaller than the predetermined vibration level; and sending a detection output signal when said vibration is not smaller than said predetermined vibration level.

It should be appreciated from the discussion above regarding claim 1 that Aoyanagi does not disclose or suggest defining a static, predetermined vibration level; subsequent to the defining, detecting vibration produced on an image display section; and determining whether the detected vibration is not smaller than the predetermined vibration level, as recited by claim 6. Accordingly, claim 6 patentably distinguishes over Aoyanagi such that the rejection of claim 6 under 35 U.S.C. §102(b) as purportedly being anticipated by Aoyanagi should be withdrawn.

C. Rejection of Independent Claim 7

Claim 7 recites an information-providing apparatus comprising, *inter alia*, a vibration detecting section that detects vibration produced on an image display section, determines whether the detected vibration is smaller than a static, predetermined level, said predetermined level being defined prior to said vibration being detected, and sends a detection output signal when said vibration is determined to be not smaller than said predetermined level.

It should be appreciated from the discussion above regarding claim 1 that Aoyanagi does not disclose or suggest a static, predetermined level of vibration that is defined prior to a vibration being detected, as recited by claim 7.

Accordingly, claim 7 patentably distinguishes over Aoyanagi such that the rejection of claim 7 under 35 U.S.C. §102(b) as purportedly being anticipated by Aoyanagi should be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, ApplicantS hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70115US00.

Dated: 2-8-11

Respectfully submitted,

By: Randy J. Pritzker
Randy J. Pritzker
Registration No.: 35,986
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000